THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.19657 of 2007

17.09.2007

Between

K.Ramachander and another

…Petitioners

And

The Nagara Panchayat (Municipal Council), rep.b its Commissioner, Zaheerabad, Medak District and others.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.19657 of 2007

ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the first respondent in granting permission in favour of the respondents 4 to 6.

The dispute between the first respondent and the respondents 4 to 6 is the subject matter of writ petition and writ appeal and in fact, the writ appeal is pending, during the pedency of which, an order has been passed in the interlocutory application permitting the respondents 4 to 6 herein to move an application for renewal of the permission for effecting necessary constructions. It is stated that pursuant to the application made by the respondents 4 to 6, an order was passed by the first

respondent-Municipality on 11.05.2007 permitting them to proceed with the construction. Questioning the same, the present writ petition is filed.

The first petitioner is stated to be a Councilor of the Municipality, while the second petitioner is an individual of that municipal area and claim that they are interested in the issue. According to them, the first respondent has passed the impugned order without properly verifying the documents that are required to be verified.

Admittedly, the petitioners are third parties to the proceedings and they are also not claiming any right over the property in dispute. The dispute between the first respondent and the respondents 4 to 6 is the subject matter of writ petition and writ appeal, where orders were passed and even the first respondent was given an opportunity to move the civil Court for declaration of its title.

In the light of the above, the petitioners who are claiming to be third parties, cannot maintain the writ petition. Alternatively, the learned Standing Counsel for the first respondent stated that there is a remedy of appeal under the provisions of the Municipalities Act.

In any case, without going into the merits of the matter, the writ petition is dismissed as not maintainable since the petitioners who are the third parties and do not

claim any right over the property cannot maintain the writ petition. No costs.

17.09.2007

VGB